

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

DONNA CURLING, et al; )  
 )  
 Plaintiffs, )  
 )  
 v. ) CIVIL ACTION  
 ) FILE NO: 1:17cv02989-AT  
BRIAN P. KEMP, et al.; )  
 )  
 )  
 Defendants. )  
 )

**FULTON COUNTY DEFENDANTS' MOTION TO DISMISS**

COME NOW the Fulton County Board of Registration and Elections (“FCBRE”), Director Richard Barron, members of the FCBRE Mary Carole Cooney, Vernetta Nuriddin, David J. Burge, Stan Matarazzo<sup>1</sup>, Aaron Johnson, and Mark Wingate<sup>2</sup> (hereafter “Fulton County Defendants”) through counsel, and

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<sup>1</sup> Stan Matarazzo was named in the initial Complaint. Although the Complaint has been twice amended without including Mr. Matarazzo as a Defendant, he has not been formally dismissed from this case.

<sup>2</sup> Mark Wingate was named as a Defendant in the Amended Complaint. Although the Second Amended Complaint does not include Mr. Wingate as a Defendant, he has not been formally dismissed from this case. Additionally, as one of the Fulton

pursuant to Fed. R. Civ. Proc. 81(c), hereby file their response to Plaintiffs' Second Amended Complaint. The Fulton County Defendants move for dismissal of all claims pursuant to Fed. R. Civ. Proc. 12(b)(1) and 12(b)(6).

The bases for the motion are more fully set forth in the accompanying Brief in Support of Fulton County Defendants' Motion to Dismiss.

Respectfully submitted this 29th day of September, 2017.

**OFFICE OF THE COUNTY  
ATTORNEY**

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AARON JOHNSON, AND THE FULTON  
COUNTY BOARD OF REGISTRATION  
& ELECTIONS

Office of the County Attorney

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County Defendants named in the Amended Complaint, Mr. Wingate has a pending Motion to Remand the Case to State Court.

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*CERTIFICATE OF SERVICE*

I hereby certify that on this date I have electronically filed the foregoing **FULTON COUNTY DEFENDANTS' MOTION TO DISMISS** with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

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I further certify that I have served, by electronic mail, the following non-cm/ecf participants:

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c/o Anne Lewis, Esq.  
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